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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,347	04/27/2000	Qixu David Chen	146712000400	2901

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/26/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-23

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/559,347

Applicant(s)

CHEN ET AL.

Examiner

Kevin M Bernatz

Art Unit

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12 November 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Regarding (4) above, the summary of the invention must contain reference to page and line number for the information presented in the summary of the invention section. Applicants refer to a total of 4 lines of the specification (and 3 claims) for the entire summary of the invention section. The examiner deems that this is inadequate for a showing of support for the descriptive matter used in describing the invention.

Regarding (6b) above, applicants group the claims into two groups but do not provide any explanation why the groups are believed to be separately patentable. "Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable" (37 CFR 1.192 (7)).

Regarding (9) above, applicants have two incorrect patent numbers in the Status of the claims section. In part (a)(1), Taguchi et al. is U.S. Patent No. 5,874,376, not '374. In section (a)(2), the Chen et al. reference used in this rejection is U.S. Patent No. 5,733,370, not U.S. Patent No. 6,120,890.



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